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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stacy S. Cook, et al

AUTOMATIC SURFACE
DEVIATION DETECTOR AND
METHOD OF USE

Serial No. 09/752,092

Filed 29 December 2000

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 2622

Examiner: Houshang Safaripour

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen J. Wacenske
Karen J. Wacenske

12-22-05
Date

Request for Reconsideration

In timely response to the office action mailed August 25, 2005, a request for a one-month extension of time being filed herewith, Applicants respectfully request that the Examiner reconsider the rejection in view of the following comments.

All claims 1-25 stand rejected under 35 U.S.C. § 103(a) over Sansom-Wai et al. in view of Feng et al., or Sansom-Wai et al. in view of Feng et al. and further in view of known prior art, Liao, Arita et al., or Hulan et al. Applicants traverse each and every rejection for at least the following reasons.

An issue in the prosecution continues to be whether Sansom-Wai et al. discloses generating information about shadows within a scanned area. It is admitted in the Office Action at page 2 that shadows are not specifically mentioned in the reference. The position of the Patent Office is that the disclosure of "*determining presence of background and extraneous information*" in Sansom-Wai et al. can be interpreted as a teaching to use shadows as an input in determining a document edge. Applicant respectfully traverses this interpretation.

It is not clear from the Office Action if the Patent Office interprets (1) background information as being shadows, or (2) extraneous information as being shadows. If the former, the phrase “background information” is defined in the reference as “information . . . caused by the scanner’s background” at col. 4, lines 10-11. The scanner’s background does not cause a shadow on itself, nor does it cause a shadow on the document. Accordingly, the Patent Office must be interpreting the phrase “extraneous information” as a shadow. However, Sansom-Wai et al. specifically define extraneous information as being “caused by an extraneous device, such as a document carrier” at col. 4, lines 12-13. Marks caused by a document carrier are not edge-defining shadows. Accordingly, the disclosure in Sansom-Wai et al. of “*determining presence of background and extraneous information*” must be interpreted as specifically excluding shadows.

However, assuming arguendo that the Sansom-Wai et al. disclosure of “determining presence of background and extraneous information” could be interpreted as not excluding the use of shadows, it still would not teach the use of shadows. Merely because a feature is not excluded by a reference, the use of that feature is not necessarily made obvious by the reference. The Examiner must show why the selection of the claimed feature would have been obvious to a person of ordinary skill in the art in view of the teachings of the reference.

Feng et al., as admitted by the Patent Office at page 3 of the Office Action, discloses identifying a physical edge of a document by determining first and second order function variations near the edge of the document. Feng et al. does not disclose or suggest detecting a shadow resulting from a surface deviation associated with a scanned non-edge feature. Thus, Feng et al. fails to disclose or suggest the information undisclosed by the primary reference of Sansom-Wai et al.

Assuming arguendo that Sansom-Wai et al. and Feng et al. might be capable of combination, the two, taken singularly or in combination, fail to disclose or suggest the claimed feature of generating information about shadows within a scanned area, or identifying an edge of a document by differentiating between a shadow resulting from the edge of the document and a shadow corresponding to a surface deviation not associated with the document edge.

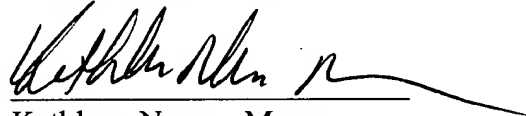
The rejections of all pending claims are based, in part, on the

combination of Sansom-Wai et al. and Feng et al. teaching generating information about shadows within a scanned area, and identifying an edge of a document by differentiating between a shadow resulting from the document's edge and a shadow corresponding to a surface deviation not associated with a document edge. As set forth above, neither Samson-Wai et al. nor Feng et al., taken alone or in combination, disclose or suggest all of these features. None of the tertiary references overcome the deficiencies of Sansom-Wai et al. or Feng et al.

For the reasons set forth herein, Applicant respectfully requests reconsideration and favorable action in the form of a Notice of Allowance. Prompt action is respectfully requested.

Should the Examiner require anything further, he is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



Kathleen Neuner Manne
Attorney for Applicant(s)
Registration No. 40,101

KNM/kjw
Rochester, NY 14650
Telephone: 585-722-9225
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.